

**Calendar No. 306**

106TH CONGRESS  
1ST SESSION

**S. 1288**

**[Report No. 106-176]**

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**A BILL**

To provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes.

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OCTOBER 6, 1999

Reported with an amendment

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106TH CONGRESS  
1ST SESSION**S. 1288****[Report No. 106-176]**

To provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 1999

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 6, 1999

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Community Forest  
5       Restoration Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Forest lands in New Mexico that are dense-  
4 ly stocked with small diameter, even-aged trees can  
5 erupt in catastrophic wildfire that can endanger  
6 human lives and livelihoods.

7 (2) Forest lands that are densely stocked with  
8 small diameter trees can reduce biodiversity and pro-  
9 vide fewer benefits to human communities, wildlife,  
10 and watersheds.

11 (3) Healthy and productive watersheds mini-  
12 mize the threat of catastrophic wildfire, provide  
13 abundant and diverse wildlife habitat, and produce a  
14 variety of timber and non-timber products including  
15 better quality water and increased water flows.

16 (4) Restoration efforts are more successful  
17 when there is involvement from neighboring commu-  
18 nities and better stewardship will evolve from more  
19 diverse involvement.

20 (5) Designating demonstration restoration  
21 projects through a collaborative approach may—

22 (A) lead to the development of cost effec-  
23 tive restoration activities;

24 (B) empower diverse organizations to im-  
25 plement activities which value local and tradi-  
26 tional knowledge;

- 1                   (C) build ownership and civic pride; and  
2                   (D) ensure healthy, diverse, and productive  
3           forests and watersheds.

4 **SEC. 3. PURPOSES.**

5       The purposes of this Act are—

- 6           (1) to promote healthy watersheds and reduce  
7       the threat of catastrophic wildfire, insect infestation,  
8       and disease in the forests in New Mexico;  
9           (2) to improve the functioning of forest eco-  
10      systems and enhance plant and wildlife biodiversity  
11      by reducing the unnaturally high number and den-  
12      sity of small diameter trees on Federal, State, and  
13      tribal forest lands;  
14           (3) to improve communication and joint prob-  
15      lem solving among individuals and groups who are  
16      interested in restoring the diversity and productivity  
17      of forested watersheds in New Mexico;  
18           (4) to promote the use of small diameter trees;  
19      and  
20           (5) to encourage sustainable communities and  
21      sustainable forests through collaborative partner-  
22      ships whose objectives are forest restoration.

23 **SEC. 4. DEFINITIONS.**

24       As used in this Act—

1           (1) the term “Secretary” means the Secretary  
2           of Agriculture acting through the Chief of the For-  
3           est Service; and

4           (2) the term “stakeholder” includes tribal gov-  
5           ernments, educational institutions, landowners, and  
6           other interested public and private entities.

7   **SEC. 5. ESTABLISHMENT OF PROGRAM.**

8           (a) The Secretary shall establish a cooperative forest  
9           restoration program in New Mexico in order to provide  
10          cost-share grants to stakeholders for experimental forest  
11          restoration projects that are designed through a collabo-  
12          rative process (hereinafter referred to as the “Collabo-  
13          rative Forest Restoration Program”). The Federal share  
14          of an individual project cost shall not exceed eighty per-  
15          cent of the total cost.

16          (b) **ELIGIBILITY REQUIREMENTS.**—To be eligible to  
17          receive funding under this Act, a project shall—

18               (1) achieve one or more of the following  
19               objectives—

20                       (A) reducing the danger of catastrophic  
21                       wildfire and re-introducing natural fire regimes  
22                       on Federal, State, or tribal forest lands;

23                       (B) restoring healthy, biologically diverse,  
24                       and productive watersheds on Federal, State, or  
25                       tribal forest lands; or

1           (C) improving the use of, or add value to,  
2           small diameter trees;

3           (2) comply with all Federal and State environ-  
4           mental laws;

5           (3) include a diverse and balanced group of  
6           stakeholders as well as appropriate Federal, State,  
7           and tribal government representatives in the design,  
8           implementation, and monitoring of the project;

9           (4) incorporate current scientific forest restora-  
10          tion information;

11          (5) include a multi-party assessment to report,  
12          upon project completion, on the impact and effec-  
13          tiveness of the project including improvements in  
14          local management skills and on the ground results;

15          (6) create local employment or training oppor-  
16          tunities within the context of accomplishing restora-  
17          tion objectives; that are consistent with the purposes  
18          of this Act, including summer youth jobs programs  
19          such as the Youth Conservation Corps where appro-  
20          priate;

21          (7) not exceed four years in length;

22          (8) not cost more than \$150,000 annually nor  
23          \$450,000 total;

24          (9) leverage Federal funding through in-kind or  
25          matching contributions; and

1           (10) include an agreement by the stakeholders  
2           that they will attend an annual workshop with other  
3           groups that receive funding pursuant to this Act.

4   **SEC. 6. SELECTION PROCESS.**

5           (a) After consulting with the technical advisory panel  
6           established in subsection (b), the Secretary shall select the  
7           proposals that will receive funding through the Collabo-  
8           rative Forest Restoration Program.

9           (b) The Secretary shall convene a technical advisory  
10          panel to evaluate the proposals for forest restoration  
11          grants and provide recommendations regarding which pro-  
12          posals would best meet the objectives of the Collaborative  
13          Forest Restoration Program. The technical advisory panel  
14          shall consider current scientific forest restoration informa-  
15          tion, the effect on long-term management, and seek to use  
16          a consensus-based decision making process to develop such  
17          recommendations. The panel shall be composed of 12 to  
18          15 members, to be appointed by the Secretary as follows:

19               (1) A State Natural Resource official from the  
20               State of New Mexico.

21               (2) At least two representatives from Federal  
22               land management agencies.

23               (3) At least one tribal or pueblo representative.

1           (4) At least one academic or other scientist,  
 2           qualified to address issues of southwestern forest  
 3           ecology.

4           (5) Equal representation from—  
 5                   (A) conservation interests;  
 6                   (B) local communities; and  
 7                   (C) commodity interests.

8   **SEC. 7. MONITORING AND EVALUATION.**

9           The Secretary shall establish a multi-party moni-  
 10          toring and evaluation process in order to assess the cumu-  
 11          lative accomplishments of the Collaborative Forest Res-  
 12          toration Program. The Secretary shall include any inter-  
 13          ested individual or organization in the monitoring and  
 14          evaluation process.

15   **SEC. 8. REPORT.**

16          No later than five years after the first fiscal year in  
 17          which funding is made available for this program, the Sec-  
 18          retary shall submit a report to the Committee on Energy  
 19          and Natural Resources of the United States Senate and  
 20          the Committee on Resources of the United States House  
 21          of Representatives. The report shall include an assessment  
 22          on whether, and to what extent, the projects funded pursu-  
 23          ant to this Act are meeting the purposes of the Collabo-  
 24          rative Forest Restoration Program.



1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “Community Forest Res-*  
3 *toration Act”.*

4 **SEC. 2. FINDINGS.**

5       *The Congress finds the following:*

6           (1) *A century of fire suppression, logging, and*  
7 *livestock grazing has altered the ecological balance of*  
8 *New Mexico’s forests.*

9           (2) *Some forest lands in New Mexico contain an*  
10 *unnaturally high number of small diameter trees that*  
11 *are subject to large, high intensity wildfires that can*  
12 *endanger human lives, livelihoods, and ecological sta-*  
13 *bility.*

14           (3) *Forest lands that contain an unnaturally*  
15 *high number of small diameter trees have reduced bio-*  
16 *diversity and provide fewer benefits to human com-*  
17 *munities, wildlife, and watersheds.*

18           (4) *Healthy and productive watersheds minimize*  
19 *the threat of large, high intensity wildfires, provide*  
20 *abundant and diverse wildlife habitat, and produce a*  
21 *variety of timber and non-timber products including*  
22 *better quality water and increased water flows.*

23           (5) *Restoration efforts are more successful when*  
24 *there is involvement from neighboring communities*  
25 *and better stewardship will evolve from more diverse*  
26 *involvement.*

1           (6) *Designing demonstration restoration projects*  
 2           *through a collaborative approach may—*

3                   (A) *lead to the development of cost effective*  
 4                   *restoration activities;*

5                   (B) *empower diverse organizations to im-*  
 6                   *plement activities which value local and tradi-*  
 7                   *tional knowledge;*

8                   (C) *build ownership and civic pride; and*

9                   (D) *ensure healthy, diverse, and productive*  
 10                  *forests and watersheds.*

11 **SEC. 3. PURPOSES.**

12           *The purposes of this Act are—*

13                   (1) *to promote healthy watersheds and reduce the*  
 14                   *threat of large, high intensity wildfires, insect infesta-*  
 15                   *tion, and disease in the forests in New Mexico;*

16                   (2) *to improve the functioning of forest eco-*  
 17                   *systems and enhance plant and wildlife biodiversity*  
 18                   *by reducing the unnaturally high number and density*  
 19                   *of small diameter trees on Federal, Tribal, State,*  
 20                   *County, and Municipal forest lands;*

21                   (3) *to improve communication and joint problem*  
 22                   *solving among individuals and groups who are inter-*  
 23                   *ested in restoring the diversity and productivity of*  
 24                   *forested watersheds in New Mexico;*

1           (4) to improve the use of, or add value to, small  
2     diameter trees;

3           (5) to encourage sustainable communities and  
4     sustainable forests through collaborative partnerships,  
5     whose objectives are forest restoration; and

6           (6) to develop, demonstrate, and evaluate eco-  
7     logically sound forest restoration techniques.

8     **SEC. 4. DEFINITIONS.**

9     *As used in this Act—*

10           (1) the term “Secretary” means the Secretary of  
11     Agriculture acting through the Chief of the Forest  
12     Service; and

13           (2) the term “stakeholder” includes: tribal gov-  
14     ernments, educational institutions, landowners, and  
15     other interested public and private entities.

16     **SEC. 5. ESTABLISHMENT OF PROGRAM.**

17           (a) The Secretary shall establish a cooperative forest  
18     restoration program in New Mexico in order to provide  
19     cost-share grants to stakeholders for experimental forest res-  
20     toration projects that are designed through a collaborative  
21     process (hereinafter referred to as the “Collaborative Forest  
22     Restoration Program”). The projects may be entirely on,  
23     or on any combination of, Federal, Tribal, State, County,  
24     or Municipal forest lands. The Federal share of an indi-  
25     vidual project cost shall not exceed eighty percent of the

1 *total cost. The twenty percent matching may be in the form*  
 2 *of cash or in-kind contribution.*

3 *(b) ELIGIBILITY REQUIREMENTS.—To be eligible to re-*  
 4 *ceive funding under this Act, a project shall—*

5 *(1) address the following objectives—*

6 *(A) reduce the threat of large, high intensity*  
 7 *wildfires and the negative effects of excessive*  
 8 *competition between trees by restoring ecosystem*  
 9 *functions, structures, and species composition,*  
 10 *including the reduction of non-native species*  
 11 *populations;*

12 *(B) re-establish fire regimes approximating*  
 13 *those that shaped forest ecosystems prior to fire*  
 14 *suppression;*

15 *(C) preserve old and large trees;*

16 *(D) replant trees in deforested areas if they*  
 17 *exist in the proposed project area; and*

18 *(E) improve the use of, or add value to,*  
 19 *small diameter trees;*

20 *(2) comply with all Federal and State environ-*  
 21 *mental laws;*

22 *(3) include a diverse and balanced group of*  
 23 *stakeholders as well as appropriate Federal, Tribal,*  
 24 *State, County, and Municipal government representa-*

1        *tives in the design, implementation, and monitoring*  
2        *of the project;*

3            (4) *incorporate current scientific forest restora-*  
4        *tion information; and*

5            (5) *include a multi-party assessment to—*

6                    (A) *identify both the existing ecological con-*  
7                    *dition of the proposed project area and the de-*  
8                    *sired future condition; and*

9                    (B) *report, upon project completion, on the*  
10                   *positive or negative impact and effectiveness of*  
11                   *the project including improvements in local*  
12                   *management skills and on the ground results;*

13            (6) *create local employment or training opportu-*  
14        *nities within the context of accomplishing restoration*  
15        *objectives, that are consistent with the purposes of this*  
16        *Act, including summer youth jobs programs such as*  
17        *the Youth Conservation Corps where appropriate;*

18            (7) *not exceed four years in length;*

19            (8) *not exceed a total annual cost of \$150,000,*  
20        *with the Federal portion not exceeding \$120,000 an-*  
21        *nually, nor exceed a total cost of \$450,000 for the*  
22        *project, with the Federal portion of the total cost not*  
23        *exceeding \$360,000;*

24            (9) *leverage Federal funding through in-kind or*  
25        *matching contributions; and*

1           (10) include an agreement by each stakeholder to  
2           attend an annual workshop with other stakeholders  
3           for the purpose of discussing the cooperative forest res-  
4           toration program and projects implemented under  
5           this Act. The Secretary shall coordinate and fund the  
6           annual workshop. Stakeholders may use funding for  
7           projects authorized under this Act to pay for their  
8           travel and per diem expenses to attend the workshop.

9   **SEC. 6. SELECTION PROCESS.**

10          (a) After consulting with the technical advisory panel  
11          established in subsection (b), the Secretary shall select the  
12          proposals that will receive funding through the Collabo-  
13          rative Forest Restoration Program.

14          (b) The Secretary shall convene a technical advisory  
15          panel to evaluate the proposals for forest restoration grants  
16          and provide recommendations regarding which proposals  
17          would best meet the objectives of the Collaborative Forest  
18          Restoration Program. The technical advisory panel shall  
19          consider eligibility criteria established in section 5, the ef-  
20          fect on long term management, and seek to use a consensus-  
21          based decision making process to develop such recommenda-  
22          tions. The panel shall be composed of 12 to 15 members,  
23          to be appointed by the Secretary as follows:

24                (1) A State Natural Resource official from the  
25                State of New Mexico.

1           (2) *At least two representatives from Federal*  
 2       *land management agencies.*

3           (3) *At least one tribal or pueblo representative.*

4           (4) *At least two independent scientists with expe-*  
 5       *rience in forest ecosystem restoration.*

6           (5) *Equal representation from—*

7                 (A) *conservation interests;*

8                 (B) *local communities; and*

9                 (C) *commodity interests.*

10 **SEC. 7. MONITORING AND EVALUATON.**

11       *The Secretary shall establish a multi-party monitoring*  
 12 *and evaluation process in order to assess the cumulative*  
 13 *accomplishments or adverse impacts of the Collaborative*  
 14 *Forest Restoration Program. The Secretary shall include*  
 15 *any interested individual or organization in the monitoring*  
 16 *and evaluation process. The Secretary also shall conduct a*  
 17 *monitoring program to assess the short and long term eco-*  
 18 *logical effects of the restoration treatments, if any, or a*  
 19 *minimum of 15 years.*

20 **SEC. 8. REPORT.**

21       *No later than five years after the first fiscal year in*  
 22 *which funding is made available for this program, the Sec-*  
 23 *retary shall submit a report to the Committee on Energy*  
 24 *and Natural Resources of the United States Senate and the*  
 25 *Committee on Resources of the United States House of Rep-*

1 *representatives. The report shall include an assessment on*  
2 *whether, and to what extent, the projects funded pursuant*  
3 *to this Act are meeting the purposes of the Collaborative*  
4 *Forest Restoration Program.*